

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**JOHN ROBERT MOORE AND
LORI HERRMANN MOORE**

PLAINTIFFS

v.

CIVIL ACTION NO. 1:21cv383 HSO-RHWR

**JINDAL TUBULAR USA, LLC AND
EXPRESS SERVICES, INC. D/B/A
EXPRESS EMPLOYMENT PROFESSIONALS**

DEFENDANTS

NOTICE OF REMOVAL

COMES NOW Defendant, Jindal Tubular USA, LLC (“Jindal”), and, reserving all available defenses, files this Notice of Removal regarding Cause No. 21-00159, styled *John Robert Moore and Lori Herrmann Moore v. Jindal Tubular USA, LLC and Express Services, Inc. d/b/a Express Employment Professionals*, pending in the Circuit Court of Hancock County, State of Mississippi, to the United States District Court for the Southern District of Mississippi, Southern Division, and would show unto this Honorable Court as follows:

1. The Court’s subject matter jurisdiction is based upon diversity of citizenship pursuant to 28 U.S.C. § 1332.

2. Removal of this action to this Court is authorized pursuant to 28 U.S.C. §§ 1441 and 1446.

3. On or about November 1, 2021, Plaintiffs, John Robert Moore and Lori Herrmann Moore (“Plaintiffs”), filed their Complaint (the “Complaint”) against Jindal and Express Services, Inc. d/b/a Express Employment Professionals (“Express”) in the Circuit Court of Hancock County,

Mississippi (“State Court Action”). Copies of all process, pleadings, orders and other papers filed in the State Court Action are attached hereto as Exhibit “A”, and incorporated herein by reference.¹

4. As is stated in the Complaint, Plaintiffs are citizens of the State of Mississippi. *See* Complaint, ¶ 1.

5. Jindal is a limited liability company; therefore, for purposes of diversity jurisdiction, its citizenship is the citizenship of its members. *See Stoltz v. River Oaks Mgmt., Inc.*, No. 1:14CV244-HSO-RHW, 2014 WL 5514155, at *3 (S.D. Miss. Oct. 31, 2014) (quoting *Tewari De-Ox Sys., Inc. v. Mountain States/Rosen Liab. Corp.*, 757 F.3d 481, 483 (5th Cir.2014)). The members of Jindal include the following entities: (1) SV Trading Limited, a St. Kitts and Nevis entity with its principal place of business located in Nevis; (2) Ferrotec FTZ, a United Arab Emirate entity with its principal place of business in the United Arab Emirate; and (3) Four Seasons Investment Limited, a Mauritius entity with its principal place of business in Mauritius. Because all of Jindal’s members are foreign entities with principal places of business outside of the United States, it is not a citizen of Mississippi for the purposes of diversity jurisdiction.

6. Express is a Colorado corporation with its principal place of business in Oklahoma City, Oklahoma. As a corporation, Express is a citizen of its state of incorporation and principal place of business. *See Mitchell-Wilkes v. Gov't Emps. Ins., Co.*, No. CIV.A.308CV663HTWLRA, 2010 WL 605923, at *1 (S.D. Miss. Feb. 17, 2010) (quoting *Wachovia Bank, NA v. Schmidt*, 546 U.S. 303, 316, 126 S. Ct. 941, 163 L.Ed.2d 797 (2006)). Thus, Express is a citizen of Colorado and Oklahoma.

¹ Jindal has requested certified copies state court clerk of court and will supplement this filing when that documentation is provided.

7. Because Plaintiffs are not citizens of the same state as either Jindal or Express, there is complete diversity providing subject matter jurisdiction to this Court pursuant to 28 U.S.C. § 1332.

8. Express consents to the removal of this case to this Honorable Court. *See* Express Consent to Removal, attached as Exhibit “B”.

9. As is provided in the Complaint, Plaintiffs expressly stated they are seeking damages well in excess of \$75,000.00. *See* Complaint, ¶ 45. Thus, based on the face of the Complaint, the amount-in-controversy requirement of 28 U.S.C. § 1332(a) is satisfied.

10. Removal of this matter is timely. Service was effectuated on Jindal and Express on November 1, 2021. Accordingly, this Notice of Removal is well within the 30-day time period provided by 28 U.S.C. § 1446(b).

11. Venue is proper in this district under 28 U.S.C. § 1441(a), because this Honorable Court embraces the geographic location of where the alleged incident outlined in the Complaint took place, Jindal’s manufacturing facility in Hancock County, Mississippi. *See* Complaint.

12. A copy of the Notice of Removal of Civil Action, with this Notice of Removal attached, has been sent to all parties and will be filed with the Clerk of the Circuit Court of Hancock County, State of Mississippi.

13. By filing this Notice of Removal, Jindal does not waive its right to assert any defenses, counterclaims and/or objections to which they are entitled.

WHEREFORE, PREMISES CONSIDERED, Defendant, Jindal Tubular USA, LLC, requests that this Honorable Court assume full jurisdiction over this cause as provided by law.

Respectfully submitted, this the 30th day of November, 2021.

JINDAL TUBULAR USA, LLC

BY: BALCH & BINGHAM LLP

BY: s/ Matthew W. McDade
OF COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following. Additionally, a copy of the foregoing was sent to the following via United States Mail, postage prepaid:

Michael W. Crosby, Esq.
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This 30th day of November, 2021.

/s/ Matthew W. McDade
Of Counsel